

S.B. 10 (Effective immediately)
S.B. 12 (Effective September 1, 1989)
S.B. 96 (Effective August 28, 1989)
S.B. 192 (Effective immediately)
S.B. 227 (Effective immediately)
S.B. 229 (Effective August 28, 1989)
S.B. 444 (Effective September 1, 1989)
S.B. 453 (Effective September 1, 1989)
S.B. 529 (Effective September 1, 1989)
S.B. 534 (Effective immediately)
S.B. 785 (Effective immediately)
S.B. 847 (Effective immediately)
S.B. 1122 (Effective September 1, 1989)
H.B. 618 (Effective August 28, 1989)
H.B. 750 (Effective September 1, 1989)
H.B. 1467 (Effective immediately)
H.C.R. 212

Signed by Governor
(April 27, 1989)

S.B. 1136 (Effective immediately)

FIFTY-THIRD DAY (Friday, April 28, 1989)

The Senate met at 9:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Zaffirini.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Father, as this workday unfolds, we pause to pray and give thanks for all that is provided to sustain us. We give thanks for these men and women of this Senate who are people of achievement, people who share common goals and concerns. Bless them as they confront, engage, probe and resolve.

Be in our midst today and guide us each one as we protect and preserve the gifts which have been entrusted to us. In His name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Harris was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Washington was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Whitmire was granted leave of absence for today on account of illness on motion of Senator Brooks.

Senator Santiesteban was granted leave of absence for today on account of important business on motion of Senator Truan.

REPORTS OF STANDING COMMITTEES

Senator Caperton submitted the following report for the Committee on Finance:

S.B. 1016
S.B. 277
S.B. 956
H.B. 709
C.S.S.B. 586
C.S.S.B. 1198
C.S.S.B. 1028
C.S.H.B. 1407

Senator McFarland submitted the following report for the Committee on Criminal Justice:

S.B. 1717
C.S.S.B. 1397
C.S.S.B. 356
C.S.S.B. 163
C.S.S.B. 375
C.S.S.B. 649
C.S.S.B. 867
C.S.S.B. 967

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

S.C.R. 119

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.C.R. 126

Senator Parmer, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

H.B. 143

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

S.B. 1711

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 1322
C.S.S.B. 884

Senator Johnson, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 1517
C.S.S.B. 1518
C.S.S.B. 1519

Senator Zaffirini, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

C.S.H.B. 1159

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 1674

MESSAGE FROM THE HOUSE

House Chamber
April 28, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 38, Relating to the inclusion of Tarrant County District Court magistrates in the listings of magistrates and of courts with criminal jurisdiction.

S.B. 39, Relating to fingerprinting and photographing a child found to have engaged in delinquent conduct.

S.B. 46, Relating to death benefits payable by the Employees Retirement System of Texas.

S.B. 71, Relating to temporary restraining orders in suits affecting the parent-child relationship brought by a governmental entity.

S.B. 72, Relating to the admissibility of a statement of a child.

S.B. 302, Relating to the authority of the Texas Commission on Alcohol and Drug Abuse to provide services to persons who abuse volatile chemicals.

S.B. 367, Relating to participation by certain school districts in the Communities in Schools program.

S.B. 506, Relating to the continuation, powers and duties of the Interagency Council for Genetic Services.

S.B. 515, Relating to eligible institutions that can establish cooperative associations.

S.B. 603, Relating to the compensation, benefits and working conditions of members of fire and police departments in certain municipalities.

S.B. 624, Relating to the membership and continuation of the On-site Wastewater Treatment Research Council.

S.B. 643, Relating to the powers and duties of the Texas Mohair Producers Board and the Texas Pork Producers Board.

S.B. 910, Relating to the charging of amounts for nonfiling insurance in connection with certain loans and transactions.

S.B. 929, Relating to the use of a facsimile signature and seal by the Texas Employment Commission.

S.B. 930, Relating to membership and credit in, and benefits and administration of, certain retirement systems for volunteer or paid fire fighters. (As amended)

S.B. 1222, Relating to a discharge or spill of a hazardous substance into water in this State.

H.C.R. 150, Requesting that the federal government implement policies to insure that each state develop adequate and environmentally sound options for the storage, processing and disposal of hazardous wastes.

H.C.R. 119, Requesting the governor to direct the Board of Pardons and Paroles to investigate certain cases involving victimization by domestic violence.

H.C.R. 194, Encouraging the State Board of Education to emphasize international education in Texas.

H.C.R. 201, Requesting Congress to grant funds for the launch of Space Station Freedom before 1996.

H.B. 15, Relating to products liability actions.

H.B. 216, Relating to the preparation and distribution of election information on the creation of a water district or authority.

H.B. 600, Relating to the application of the professional prosecutors law to the county attorney of Milam County.

H.B. 647, Relating to the authority of a district clerk to use optical data storage for the storage of records.

H.B. 713, Relating to children who may receive care in a family home.

H.B. 803, Relating to restitution for bad checks.

H.B. 842, Relating to the filing of an instrument granting a security interest by a utility in connection with real property.

H.B. 841, Relating to the notice required for the appointment of a receiver for certain mineral interests.

H.B. 857, Relating to the continuation and functions of the Compact for Education Commissioners for Texas.

H.B. 989, Relating to the use of forfeited controlled substances and raw materials for law enforcement purposes and creating the offense of improper diversion of substances and materials; providing a criminal penalty.

H.B. 1065, Relating to the municipal courts of record of Wichita Falls.

H.B. 1094, Relating to repeal of the fee required to be charged on dismissal of a charge of failure to maintain financial responsibility for use of a motor vehicle.

H.B. 1101, Relating to authorizing justices of the peace and municipal court judges to maintain criminal dockets by use of data processing equipment.

H.B. 1174, Relating to continuing legal education and instruction for certain judges.

H.B. 1182, Relating to the confidentiality of certain information concerning facilities and improvements to be used for scientific research development and economic development and diversification.

H.B. 1230, Relating to the punishment for assault of a family member and for the violation of a protective order.

H.B. 1258, Relating to the continuation of the Committee on State Revenue Estimates.

H.B. 1379, Relating to the filing of a petition or motion in a suit affecting the parent-child relationship.

H.B. 1439, Relating to adverse possession.

H.B. 1469, Relating to the definition of "handicapped person" for the purposes of education, training and special services provided by a rehabilitation district.

H.B. 1492, Relating to the county courts at law in Randall County.

H.B. 1495, Relating to the training of certain peace officers.

H.B. 1517, Relating to a durable power of attorney.

H.B. 1566, Relating to the authority of certain home-rule cities to make contracts for the enforcement of certain arrest warrants.

H.B. 1597, Relating to the county courts at law of Montgomery County.

H.B. 1633, Relating to the provision of a 24-hour toll-free telephone number by the Department of Public Safety for reports by the public of traffic offenses and other matters relating to public safety.

H.B. 1659, Relating to the authority of the commissioners court of a county to close a public road.

H.B. 1724, Relating to the terms of the administrator, employees under contract, and the board of managers of the Titus County Hospital District.

H.B. 1738, Relating to the creation of sports facility districts; providing a penalty.

H.B. 1742, Relating to approval of certain insurance forms for foreign life, accident and health insurers by the domicile state.

H.B. 1780, Relating to requesting a deferral of certain proceedings to complete a driving safety course.

H.B. 1795, Relating to the county civil courts at law in Harris County.

H.B. 1840, Relating to the unlawful interference with a school bus.

H.B. 1841, Relating to the dissolution of the South Eastland County Hospital District.

H.B. 1877, Relating to the form of payment of the mixed beverage tax.

H.B. 1950, Relating to creation and enforcement of agreements between school districts, students and parents or guardians.

H.B. 2008, Relating to the assessment and collection of certain penalties imposed on delinquent unemployment compensation tax payments.

H.B. 2020, Relating to certain documents necessary for the transfer of title to a motor vehicle.

H.B. 2040, Relating to the power of the commissioner of education to administer certain oaths.

H.B. 2136, Relating to the adoption of a nonsubstantive revision of the statutes relating to health and safety, including conforming amendments, repeals and penalties.

H.B. 2162, Relating to criminal acts involving Department of Public Safety insignia and to the prosecution of and penalties for those acts.

H.B. 2225, Relating to the establishment of cemeteries within or near certain cities.

H.B. 2247, Relating to the transfer of certain misdemeanor cases from a county court to a district court or a county court at law with an attorney presiding as judge.

H.B. 2250, Relating to the regulation of alcoholic beverages; providing penalties.

H.B. 2288, Relating to the regulation of dealer's and manufacturer's license plates and tags.

H.B. 2306, Relating to the exclusion of land from a municipal utility district.

H.B. 2487, Amending Subsection 7(c) (6) of the Texas Unemployment Compensation Act (Article 5221-5(c) (6), V.T.C.S.) pertaining to unemployment tax rates and declaring an emergency.

H.B. 2576, Relating to filling a vacancy in a nomination of a political party.

H.B. 2597, Relating to changing the name of the Texas School for the Blind to the Texas School for the Blind and Visually Impaired.

H.B. 2601, Relating to the training of guide dogs for the blind.

H.B. 2612, Relating to the authority of the commissioners court of a county to indemnify elected county officers in certain circumstances involving the loss of county funds.

H.B. 2650, Relating to filing fee and petition requirements for certain candidates in a general primary election.

H.B. 2657, Relating to contracts for construction or purchases by Midland County Hospital District.

H.B. 2678, Relating to information in textbooks about alcohol or other drugs.

H.B. 2769, Relating to the creation, administration, powers, duties, operation, and financing of the Hutchinson County Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

H.B. 2780, Relating to the authority of certain counties to commission park rangers for county parks and certain unincorporated areas of the county.

H.B. 2681, Relating to enhanced warning sign visibility at railroad grade crossings.

H.B. 2802, Relating to the information necessary to prepare a complete financial statement for inclusion in the budget in certain counties.

H.B. 2963, Relating to electronic funds transfer of compensation and reimbursement of city officers and employees, amending Subchapter B of Chapter 105 of the Local Government Code.

H.B. 3069, Relating to the jurisdiction of the County Court at Law of Rusk County.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 189**. The following have been appointed on the part of the House: Wilson, chair; Eckels, Luna of Harris, Thompson of Harris, A. Smith of Harris.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 954**. The following have been appointed on the part of the House: Smithee, chair; Crawford, Waterfield, Chisum, Laney.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS ON FIRST READING

On motion of Senator Montford and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1777 by Montford Natural Resources
Relating to the creation, administration, powers, duties, operation, and financing of the Yoakum County Underground Water Conservation District.

S.B. 1778 by Lyon Intergovernmental Relations
Relating to the creation of two judicial districts composed of Collin County.

S.B. 1779 by Caperton Intergovernmental Relations
Relating to assumption of road utility district authority by the Elkins Lake Municipal Utility District.

S.B. 1780 by Zaffirini Health and Human Services
Relating to the selection of a licensed psychologist by a recipient under the Medical Assistance Program.

S.B. 1781 by Leedom State Affairs
Relating to the competitive cost review program.

S.B. 1782 by Edwards Education
Relating to the engineering and science recruitment fund.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 4, To Committee on State Affairs.

H.B. 501, To Committee on Education.

H.B. 558, To Committee on Education.

H.B. 1392, To Committee on Health and Human Services.

H.B. 1779, To Committee on Criminal Justice.

H.B. 1871, To Committee on Jurisprudence.

CO-AUTHOR OF SENATE BILL 95

On motion of Senator Parker and by unanimous consent, Senator Zaffirini will be shown as Co-author of **S.B. 95**.

CO-AUTHORS OF SENATE BILL 269

On motion of Senator Armbrister and by unanimous consent, Senators Caperton, Lyon and Zaffirini will be shown as Co-authors of **S.B. 269**.

CO-AUTHOR OF SENATE BILL 1640

On motion of Senator Brooks and by unanimous consent, Senator Zaffirini will be shown as Co-author of **S.B. 1640**.

CO-AUTHOR OF SENATE BILL 1686

On motion of Senator Brooks and by unanimous consent, Senator Zaffirini will be shown as Co-author of **S.B. 1686**.

CO-AUTHOR OF SENATE BILL 1711

On motion of Senator Brooks and by unanimous consent, Senator Zaffirini will be shown as Co-author of **S.B. 1711**.

CO-AUTHOR OF SENATE BILL 1764

On motion of Senator Caperton and by unanimous consent, Senator Barrientos will be shown as Co-author of **S.B. 1764**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 110

On motion of Senator Zaffirini and by unanimous consent, Senator Tejeda will be shown as Co-author of **S.C.R. 110**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 119

On motion of Senator Brooks and by unanimous consent, Senator Zaffirini will be shown as Co-author of **S.C.R. 119**.

CO-SPONSOR OF HOUSE BILL 1318

On motion of Senator Carriker and by unanimous consent, Senator Sims will be shown as Co-sponsor of **H.B. 1318**.

GUEST PRESENTED

Senator Glasgow was recognized and presented Dr. J. Mike White of Cleburne.

The Senate welcomed Dr. White, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

HONORARY PAGE PRESENTED

Senator Sims introduced Caroline Starry of Menard, serving today as an Honorary Page.

The Senate welcomed Caroline and expressed appreciation to her for her assistance.

**HOUSE CONCURRENT RESOLUTION 61
ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

H.C.R. 61, Designating the Guadalupe bass as the State fish of Texas.

The resolution was read second time and was adopted viva voce vote.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 28, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS BOARD OF ARCHITECTURAL
EXAMINERS, FOR A TERM TO EXPIRE JANUARY 31, 1995:

CLEVELAND TURNER III

2214 Parker

Amarillo, Texas 79109

Mr. Turner will be replacing Benjamin J. Lednicky of Houston, whose term expired.

TO BE A MEMBER OF THE BRAZOS RIVER AUTHORITY, BOARD OF
DIRECTORS, FOR A TERM TO EXPIRE FEBRUARY 1, 1993:

CHAUNCEY L. BOGAN

714 Shorewood

Seabrook, Texas 77586

Mr. Bogan will be filling the unexpired term of Kenneth K. Brimer, Jr., of Arlington, who resigned.

TO BE A MEMBER OF THE TEXAS GUARANTEED STUDENT LOAN
CORPORATION, BOARD OF DIRECTORS, FOR A TERM TO EXPIRE
JANUARY 31, 1995:

ALAN V. RASH

531 Regency

El Paso, Texas 79912

Mr. Rash will be replacing John Russell Schott of San Marcos, whose term expired.

TO BE A MEMBER OF THE TEXAS STATE BOARD OF EXAMINERS OF
PROFESSIONAL COUNSELORS, FOR A TERM TO EXPIRE FEBRUARY
1, 1995:

JANE LOUISE BOCK GUZMAN

5007 Radbrook

Dallas, Texas 75220

Mrs. Guzman will be replacing Dr. Jeanie Stanley of Tyler, whose term expired.

TO BE A MEMBER OF THE ADVISORY COUNCIL ON COMMUNITY
AFFAIRS, FOR A TERM TO EXPIRE JANUARY 31, 1991:

MARK R. WALLOCK

Route 2, Box 305

Ski Lodge Road

McQueeney, Texas 78123

Mr. Wallock is being reappointed.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

**COMMITTEE SUBSTITUTE
SENATE BILL 931 ON THIRD READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage.

C.S.S.B. 931, Relating to indemnification by the state in certain civil actions.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 1.

Nays: Green.

Absent: Brown, Haley, McFarland, Parmer, Uribe.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

SENATE BILL 338 WITH HOUSE AMENDMENTS

Senator Caperton called **S.B. 338** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment - Rudd

Amend **S.B. 338** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. TEXAS DEPARTMENT OF COMMERCE. In addition to amounts previously appropriated for the current fiscal biennium, for the period ending August 31, 1989, \$38 million is appropriated from the general revenue fund to the Texas Department of Commerce as part of the state program of economic development and diversification to be allocated to the Travis County Research and Development Authority for the purpose of redeeming bonds issued by the authority to finance improvements at a research and development facility in Travis County under the jurisdiction of the authority and paying associated expenses, costs, and fees. Any portion of this appropriation remaining after the redemption of the bonds and payment of all other associated expenses, costs, and fees shall be returned to the general revenue fund.

SECTION 2. TEXAS DEPARTMENT OF COMMERCE. (a) In addition to amounts previously appropriated for the current fiscal biennium, \$10 million is appropriated from the general revenue fund to the Texas Department of Commerce for a two-year period for the allocations described by Subsection (b) of this section. To the extent that federal funds or other available state funds are authorized or granted for expenditure for the same purposes, the department shall reduce the allocation of general revenue appropriated by this section in amounts necessary for the total state and federal contributions to the projects to equal \$10 million.

(b) From amounts available for the purpose, the Texas Department of Commerce shall allocate \$10 million as financial aid to the Calhoun County Navigation District for purposes of economic development through the permitting, design, and construction of public docks and bulkheads at the port of Port Lavaca, Point Comfort, in Calhoun County.

(c) The Calhoun County Navigation District may receive and expend the funds for the purposes described by Subsection (b) of this section regardless of whether the activity occurs before, on, or after the effective date of this Act.

SECTION 3. COMPTROLLER OF PUBLIC ACCOUNTS. (a) In addition to amounts previously appropriated for the current fiscal biennium, the sum of \$24,258,054 is appropriated, for the period ending August 31, 1989, from the

general revenue fund to the 49 public junior and community colleges listed in Subsection (b) of this section for the payment of staff group insurance premiums.

(b) The comptroller of public accounts shall allocate the amount appropriated by Subsection (a) of this section among the following institutions according to the following percentages:

(1) Alamo Community College District	8.901
(2) Alvin Community College	1.415
(3) Amarillo College	2.630
(4) American Educational Complex	1.291
(5) Angelina College	0.735
(6) Austin Community College	3.673
(7) Bee County College	1.087
(8) Blinn College	1.334
(9) Brazosport College	0.853
(10) Cisco Junior College	0.600
(11) Clarendon College	0.352
(12) College of the Mainland	1.475
(13) Collin County Community College	1.523
(14) Cooke County College	0.702
(15) Dallas County Community College District	12.250
(16) Del Mar College	3.543
(17) El Paso Community College	4.337
(18) Frank Phillips College	0.448
(19) Galveston College	0.907
(20) Grayson County College	1.388
(21) Hill College	0.405
(22) Houston Community College	5.536
(23) Howard County Junior College	1.026
(24) Kilgore College	1.988
(25) Laredo Junior College	2.219
(26) Lee College	1.577
(27) McLennan Community College	2.101
(28) Midland College	1.140
(29) Navarro College	0.853
(30) North Harris County Community College	2.496
(31) Northeast Texas Community College	0.535
(32) Odessa College	2.225
(33) Panola College	0.551
(34) Paris Junior College	1.177
(35) Ranger Junior College	0.325
(36) San Jacinto College District	4.710
(37) South Plains College	1.788
(38) Southwest Texas Junior College	0.848
(39) Tarrant County Junior College District	6.800
(40) Temple Junior College	0.870
(41) Texarkana College	1.404
(42) Texas Southmost College	1.993
(43) Trinity Valley Community College	1.383
(44) Tyler Junior College	2.258
(45) Vernon Regional Junior College	0.762
(46) Victoria College	1.129
(47) Weatherford College	0.567

(48) Western Texas College	0.648
(49) Wharton County Junior College	1.242
	100.000

(c) If an institution uses any portion of the appropriation made by this section to pay group insurance premiums for an employee whose salary is paid from federal money, the institution shall apply for any legally available federal money to pay the premiums. If an institution receives money for insurance premiums from an application made under this subsection, the institution shall remit the money to the state treasurer for deposit in the general revenue fund. The state treasurer may require reports of applications and prescribe procedures for remittances under this subsection.

(d) If an institution uses local money or state appropriations, other than an appropriation made by this section, to pay staff group insurance premiums during the current fiscal biennium, the institution may use any portion of its appropriation made by this section that does not exceed the amount paid from other money for premiums to reimburse the appropriate local fund or appropriation account from which the premiums were paid. The comptroller of public accounts may prescribe procedures to be followed for this purpose.

SECTION 4. NATIONAL RESEARCH LABORATORY COMMISSION. In addition to amounts previously appropriated for the current fiscal biennium, for the period ending August 31, 1989, the sum of \$1,663,000 is appropriated from the general revenue fund to the National Research Laboratory Commission for the payment of operating expenses of the commission.

SECTION 5. PUBLIC INTEGRITY UNIT IN TRAVIS COUNTY DISTRICT ATTORNEY'S OFFICE. In addition to amounts previously appropriated for the current fiscal biennium, the sum of \$480,509 is hereby appropriated for the period ending August 31, 1989, from the general revenue fund to the Public Integrity Unit in the District Attorney's Office of the Fifty-third Judicial District (Travis County) to be used for expenses related to the investigation and prosecution of motor fuels tax fraud.

SECTION 6. PECOS RIVER COMPACT COMMISSION. In addition to amounts previously appropriated for the current fiscal biennium, the sum of \$105,750 is hereby appropriated for the period ending August 31, 1989, from the general revenue fund to the Pecos River Compact Commission for the payment of professional services performed in relation to the lawsuit Texas v. New Mexico, No. 65 Original, U.S. Supreme Court, according to the following schedule:

Supreme Court River Master	\$16,000
Supreme Court Special Master	39,750
Technical Experts	50,000

SECTION 7. STATE BOARD OF DENTAL EXAMINERS. In addition to amounts previously appropriated for the current fiscal biennium, the sum of \$84,889 is appropriated from Dental Registration Fund 086 to the State Board of Dental Examiners to assist compliance and enforcement of the statutes regulating the practice of dentistry. The sum shall be allocated as follows: \$18,476 for the purpose of hiring a Hearing Examiner IV; \$7,913 for the purpose of hiring a Secretary III; \$20,000 for legal services; \$5,000 for court reporter fees; \$8,500 for travel related to legal services; and \$5,000 for capital outlay. None of the sums appropriated above may be used to pursue appeals from existing board orders or for per diem of board members.

SECTION 8. TARLETON STATE UNIVERSITY. In addition to amounts previously appropriated for the current fiscal biennium, the sum of \$165,510 is appropriated, for the period ending August 31, 1989, from the general revenue fund to Tarleton State University for the payment of expenses incurred in cleaning up, testing, repairing, and replacing facilities contaminated by polychlorinated biphenyls.

SECTION 9. TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION. (a) In addition to amounts previously appropriated for the current fiscal biennium, for the period ending August 31, 1989, \$75 million is appropriated from the general revenue fund to the Texas Department of Mental Health and Mental Retardation for complying with the RAJ and Lelsz court orders and for replacing funds transferred through the governor's budget execution authority.

(b) Notwithstanding Section 2.h., page II-76, Chapter 78, Acts of the 70th Legislature, 2nd Called Session, 1987 (the current General Appropriations Act), the Texas Department of Mental Health and Mental Retardation is authorized to purchase real property and existing improvements thereon, purchase real property and construct improvements thereon, construct improvements on donated real property, renovate owned or leased improvements, or take any other actions the department determines to be necessary to develop the community-based facilities for difficult-to-place mentally retarded persons authorized by Rider 35(a), Texas Department of Mental Health and Mental Retardation, page II-57, Chapter 78, Acts of the 70th Legislature, 2nd Called Session, 1987 (the current General Appropriations Act).

SECTION 10. ATTORNEY GENERAL. Of the amounts appropriated or transferred to the Texas Department of Human Services for the current fiscal year for the purpose described by line item 1, page II-29, Chapter 78, Acts of the 70th Legislature, 2nd Called Session, 1987 (the current General Appropriations Act), the sum of \$8,705,928 is transferred and reappropriated, for the period ending August 31, 1989, to the attorney general for the payment of costs incurred in administering or operating the child support enforcement program.

SECTION 11. DEPARTMENT OF AGRICULTURE. In addition to amounts previously appropriated for the current fiscal biennium, the sum of \$60,000 is appropriated, for the period ending August 31, 1989, from the general revenue fund to the Department of Agriculture for the purpose of obtaining statistics regarding the production of agricultural commodities by county.

SECTION 12. STRUCTURAL PEST CONTROL BOARD. In addition to amounts previously appropriated for the current fiscal biennium, the sum of \$76,000 is appropriated from the structural pest control fund for the purpose of allowing the agency to recover the cost of expenses already incurred in association with the transfer of lawn and ornamental pest control licensing duties from the Department of Agriculture.

SECTION 13. CONTRACTS UNDER CERTAIN APPROPRIATION. (a) This section applies only to an appropriation made by this Act to the State Preservation Board.

(b) In this section "disadvantaged business" means:

(1) a corporation formed for the purpose of making a profit in which at least 51 percent of all classes of the shares of stock or other equitable securities are owned by one or more persons who are socially disadvantaged because of their identification as members of certain groups, including black Americans, Hispanic Americans, women, Asian Pacific Americans, and American Indians, who have suffered the effects of discriminatory practices or similar insidious circumstances over which they have no control;

(2) a sole proprietorship for the purpose of making a profit that is 100 percent owned, operated, and controlled by a person described by Subdivision (1) of this subsection;

(3) a partnership for the purpose of making a profit in which 51 percent of the assets and interest in the partnership is owned by one or more persons described by Subdivision (1) of this subsection. Those persons must have a

proportionate interest in the control, operation, and management of the partnership's affairs;

(4) a joint venture in which each entity in the joint venture is a disadvantaged business under this subsection; or

(5) a supplier contract between a disadvantaged business under this subsection and a prime contractor under which the disadvantaged business is directly involved in the manufacture or distribution of the supplies or materials or otherwise warehouses and ships the supplies.

(c) This section is an expression of the intent of the legislature and does not impose a duty not provided for by general law or negate a power granted by general law.

(d) It is the intent of the legislature that:

(1) for each type of service rendered under a contract or subcontract payable from the appropriation made by this Act to the board, the board or the general contractor employed by the board shall award to disadvantaged businesses a number of contracts the dollar value of which equals the percentage that disadvantaged businesses comprise of the total number of businesses offering the service;

(2) the businesses that constitute "disadvantaged businesses" shall be determined by the Office of Minority Business Development of the Small Business Division of the Texas Department of Commerce; and

(3) under the goal set by this subsection, the board and general contractor shall give preference, among bids or other proposals that are otherwise comparable, to a bid or other proposal by a disadvantaged business having its home office located in this state.

(e) It is the intent of the legislature that:

(1) the Office of Minority Business Development of the Small Business Division of the Texas Department of Commerce shall certify businesses that are disadvantaged businesses under this section; and

(2) as part of its certification procedures, the department may approve a municipal program that certifies disadvantaged businesses under substantially the same definition and approve businesses certified by the municipality as disadvantaged businesses under this section.

(f) It is the intent of the legislature that:

(1) the department shall compile a directory of businesses certified as disadvantaged businesses under Subsection (b) of this section;

(2) the department shall update the directory at least semiannually and provide a copy of the directory to the State Purchasing and General Services Commission and the board semiannually; and

(3) the State Purchasing and General Services Commission and the board shall use the directory in determining awards of state purchasing and public works contracts.

(g) It is the intent of the legislature that:

(1) the State Purchasing and General Services Commission and the board shall report to the department the total number and dollar amount of contracts awarded to disadvantaged businesses;

(2) these reports shall be made each January and July and shall report on the previous six-month period; and

(3) the department shall compile and analyze the reports and submit a report based on the analysis to the presiding officer of each house of the legislature each February.

(h) It is the intent of the legislature that:

(1) the department shall offer assistance and training to disadvantaged businesses in state procurement procedures; and

(2) the department shall advise disadvantaged businesses of the availability of state contracts and advise disadvantaged businesses to enter the name of the disadvantaged business on the state's bid list.

(i) It is the intent of the legislature that the State Purchasing and General Services Commission shall purchase, lease, rent, or otherwise acquire supplies, materials, services, and equipment for the board from disadvantaged businesses, including spot purchases and purchases that do not require a competitive bid.

(j) It is the intent of the legislature that:

(1) the commission shall provide for emergency purchases by the board and may set a monetary limit on the amount of each emergency purchase; and

(2) each emergency purchase made under this section is subject to the disadvantaged business provisions of this section.

(k) It is the intent of the legislature that:

(1) in purchasing supplies, materials, services, and equipment the State Purchasing and General Services Commission may use, but is not limited to, the contract purchase procedure, the multiple award contract procedure, and the open market purchase procedure;

(2) the State Purchasing and General Services Commission shall have the authority to combine orders in a system of schedule purchasing to reach the goal, and it shall at all times try to benefit from purchasing in bulk; and

(3) all purchases of and contracts for supplies, materials, services, and equipment shall, except as provided herein, be based whenever possible on competitive bids.

(l) Riders Outline:

- I. Rider 1—The Appropriations Committee finds that, as reported by the United States Department of Labor to the Texas Employment Commission, the State Preservation Board is substantially below the available minorities for each category in the total civilian labor force.
- II. Rider 2—The Appropriations Committee finds that, historically, the State Preservation Board has not employed or contracted with minorities in proportion to their available numbers in the civilian labor force or their percentage of total contractors.
- III. Rider 3—The Appropriations Committee finds that the State Preservation Board has practiced a policy of exclusion of minorities in its hiring practices; that of a total of seven employees in administrative, professional, technical, and support services, the State Preservation Board does not have one single minority employee.
- IV. Rider 4—The Appropriations Committee finds that the exclusion of minorities is a policy that has permeated the contract letting practices of the State Preservation Board.
- V. Rider 5—The Appropriations Committee finds that in spite of repeated requests to respond to the need for employment and contracting in state government, the State Preservation Board has neglected its obligation to employ or contract in good faith with minority engineers and architects.
- VI. Rider 6—The Appropriations Committee concurs with the findings of the Interim Report to the 71st Texas Legislature of the House Special Committee on Businesses Owned By Women or Minorities.
- VII. Rider 7—The Appropriations Committee finds that the State Preservation Board, by not establishing a plan to correct employment and contracting inequities regarding minorities, has allowed prior patterns and practices of discrimination against minorities to continue.
- VIII. Rider 8—The Appropriations Committee finds that minorities comprise nine percent of the architects in the state and nine percent of the engineers in the state.

- IX. Rider 9—The Appropriations Committee finds that nine percent of architectural services and contracts and nine percent of engineering services and contracts should be reserved for disadvantaged businesses and that this is a reasonable goal, and the committee directs the board to set these percentages as minimal goals for FY 90 and FY 91.

SECTION 14. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment - Rudd

Amend C.S.S.B. 338 as follows:

On page 6, line 10, strike "\$84,889" and substitute "\$64,889".

Floor Amendment on Third Reading - Rudd

Amend C.S.S.B. 338, on Third Reading, as follows:

- (1) On page 8, between lines 15 and 16, insert the following section, appropriately numbered:

SECTION ____ STATE PRESERVATION BOARD. In addition to amounts previously appropriated for the current fiscal biennium, the sum of \$7,400,000 is appropriated for a two-year period from the general revenue fund to the State Preservation Board for the payment of architectural and engineering fees and related miscellaneous costs of preparation for the restoration of the State Capitol and the General Land Office Building.

- (2) Renumber subsequent sections accordingly.

The amendments were read.

Senator Caperton moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.B. 338 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Caperton, Chairman; Montford, Johnson, McFarland and Brooks.

SENATE BILL 1595 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1595, Relating to the prohibition of operating an unregistered family home and the advertising of unregistered family homes; providing penalties for violations.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1595 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1595** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 0.

Absent: Brown, Carriker, McFarland, Uribe.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 0.

Absent: Brown, Carriker, Uribe.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

SENATE BILL 1522 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1522, Relating to public policy in relation to solid waste; defining "adequate capacity".

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1522 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1522** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Uribe.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE**SENATE BILL 984 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 984, Relating to the deposit of money and securities into and the expenditure of money from the state treasury, and to certain related accounting procedures.

The bill was read second time and was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE**SENATE BILL 984 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 984** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Uribe.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 985 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 985. Relating to the uniform statewide accounting system.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 985 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 985** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Uribe.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

SENATE BILL 1419 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1419. Relating to the liability of certain homeowners organizations and the volunteers and employees of the organizations.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1419 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1419** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Uribe.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 497 ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 497. Relating to the continuation and functions of the Texas Animal Health Commission; providing criminal penalties.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1156 ON SECOND READING**

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1156, Relating to the inspection for fire hazards by a county fire marshal.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1156 ON THIRD READING**

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1156** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Uribe.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1050 ON SECOND READING**

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1050, Relating to the boundaries and establishment of county election precincts and to the collection and furnishing of certain precinct election and voter registration information.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1050 ON THIRD READING**

Senator Krier moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1050** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Uribe.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

(Senator Caperton in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1440 ON SECOND READING**

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1440, Relating to electoral and political processes and procedures, including conducting elections, voter registration, political party conventions, and candidacy for public office; providing criminal penalties.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **C.S.S.B. 1440** as follows:

SECTION 34. Section 85.062, Election Code, is amended by amending Subsection (d) and adding Subsection (f) to read as follows:

(d) In a county with a population of more than 2,400,000 ~~two million~~, the commissioners court shall establish two ~~one~~ or more absentee polling places other than the main absentee polling place in one or more justice precincts containing territory covered by an election in which the county clerk is the absentee voting clerk. The number of polling places in each justice precinct may not exceed the number of justices of the peace elected in that precinct. This subsection supersedes a provision of this subchapter to the extent of any conflict, ~~except Subsection (f)~~.

(f) Notwithstanding any conflicting provision of this subchapter, ~~except Subsection (d)~~, in a primary election and the general election for state and county officers, the commissioners court of a county with a population of 400,000 or more shall establish at least one temporary branch polling place in each state representative district that contains territory in the county and that does not contain a permanent branch polling place or the main absentee polling place. The commissioners court of a county with a population of 100,000 or more but less than 400,000 shall establish at least one temporary branch polling place in those elections in each commissioners precinct that does not contain a permanent branch polling place or the main absentee polling place.

The amendment was read and was adopted viva voce vote.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1440 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1440** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Uribe.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

SENATE BILL 1396 ON SECOND READING

Senator Parker asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 1396, Relating to service creditable in the elected class of membership of the Employees Retirement System of Texas.

There was objection.

Senator Parker then moved to suspend the regular order of business and take up **S.B. 1396** for consideration at this time.

The motion prevailed by the following vote: Yeas 18, Nays 5.

Yeas: Armbrister, Barrientos, Brooks, Brown, Caperton, Carriker, Dickson, Glasgow, Green, Haley, Henderson, Johnson, Lyon, Parker, Parmer, Tejada, Truan, Zaffirini.

Nays: Bivins, Edwards, Krier, Leedom, Ratliff.

Absent: McFarland, Montford, Sims, Uribe.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1396 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1396** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 20, Nays 4.

Yeas: Armbrister, Barrientos, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Henderson, Johnson, Lyon, McFarland, Parker, Parmer, Tejada, Truan, Zaffirini.

Nays: Bivins, Krier, Leedom, Ratliff.

Absent: Montford, Sims, Uribe.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 5.

Yeas: Armbrister, Barrientos, Brooks, Brown, Caperton, Carriker, Dickson, Glasgow, Green, Haley, Henderson, Johnson, Lyon, McFarland, Parker, Parmer, Tejada, Truan, Zaffirini.

Nays: Bivins, Edwards, Krier, Leedom, Ratliff.

Absent: Montford, Sims, Uribe.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

COMMITTEE SUBSTITUTE SENATE BILL 269 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 269, Relating to the peace officer college loan program.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 269** as follows:

1. Insert a new **SECTION 5** on line 21, page 4, to read as follows:

SECTION 5. Chapter 142, Local Government Code, is amended by adding Section 142.010 to read as follows:

Sec. 142.010. EDUCATIONAL LEAVE. (a) DEFINITIONS. In this section:

(1) "Peace officer" means a person employed by a municipality in a position enumerated in Article 2.12, Code of Criminal Procedure.

(2) "Course of study" means enrollment in a college on a full time basis in pursuit of an educational study plan that is, or could be, related to law enforcement or public safety.

(b) Upon written application by a peace officer, a municipality may grant the peace officer a leave of absence to enable the peace officer to engage in a course of study.

(c) No municipality may adopt a policy that denies employee benefits including, but not limited to, health and life insurance plans, promotional seniority, and accumulation of retirement credit, to a peace officer on leave as provided by subsection (b) of this section, provided that the peace officer pays both the peace officer's and the municipality's share of the cost of such benefits.

2. Renumber the former SECTION 5 as SECTION 6.

The amendment was read and was adopted viva voce vote.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 269 as follows:

1. Strike subsection (k), lines 31-40 on page 3, and substitute the following:

(k) The amount of principal of a tuition assistance loan which is canceled may not exceed the tuition for 15 semester hours for each year of prior or subsequent service as a current peace officer. When calculating the amount to be canceled, the tuition assistance provided by the loan for each semester hour completed is canceled in the order in which the tuition was paid. No interest shall be charged for a tuition or a full assistance loan to a recipient so long as the recipient is employed as a current peace officer. If the recipient is not employed as a current peace officer, interest on the tuition or full assistance loan shall be paid as set by the commission in accordance with section 415.102 of this act.

The amendment was read and was adopted viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 269 ON THIRD READING**

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 269 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Uribe.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1082 ON SECOND READING**

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1082, Relating to regulation of operator service providers.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1082 ON THIRD READING**

Senator Edwards moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1082** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Uribe.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 569 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 569, Relating to disclosure of guaranty fund non-participation in insurance policies and contracts and applications and in certificates and evidences of coverage.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 569 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 569** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Uribe.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1010 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1010, Relating to the regulation of cemeteries and perpetual care trust funds.

The bill was read second time.

(Senator Brooks in Chair)

Senator Johnson offered the following amendment to the bill:

Amend C.S.S.B. 1010 by adding a new SECTION 1 and renumbering all other sections accordingly:

SECTION 1. Chapter 340, Acts of the 49th Legislature, Regular Session, 1945 (Article 912a-1 et seq., Vernon's Texas Civil Statutes), is amended by adding Section 2A to read as follows:

Sec. 2A. Administration by Banking Commissioner. The Banking Commissioner of Texas shall administer this Act as it relates to perpetual care cemeteries. The Banking Commissioner may adopt rules relating to the maintenance and inspection of records by perpetual care cemeteries, the filing of statements and reports, and the investment of perpetual care trust funds.

The amendment was read.

On motion of Senator Brown, the amendment was tabled by the following vote: Yeas 13, Nays 11.

Yeas: Armbrister, Bivins, Brown, Dickson, Green, Haley, Henderson, Krier, Lyon, McFarland, Parmer, Ratliff, Sims.

Nays: Barrientos, Brooks, Carriker, Edwards, Glasgow, Johnson, Parker, Tejeda, Truan, Uribe, Zaffirini.

Absent: Caperton, Leedom, Montford.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Johnson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1010 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 1010 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Johnson.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Johnson asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE RESOLUTION 494

Senator Ratliff offered the following resolution:

WHEREAS, As more people become increasingly aware of the need to protect and preserve the various forms of wildlife that grace our environment and maintain an ecological balance, a group of second grade Camp Fire girls in Longview has acted on this concern to create an award-winning ecology project; and

WHEREAS, Despite the cheerfulness implicit in their name, the Bubbly Bluebirds of Longview are responding to a serious and sobering environmental situation; and

WHEREAS, Noting the 90 percent decline in the bluebird population since 1900, these young girls embarked on a campaign they called "Bluebirds Save Bluebirds"; their goal was to build a sanctuary to provide proper nesting sites for the diminishing bluebird population; and

WHEREAS, Begun in February 1988, the Bubbly Bluebirds' project won a Colgate-Palmolive Award in the 15th annual Youth for America campaign; and

WHEREAS, Encouraged by this favorable recognition and the \$100 prize money, the Bubbly Bluebirds expanded their project to "Save the Bluebirds and Beautify the Parks" and moved the bluebird sanctuary to Guthrie Parkway in Longview; and

WHEREAS, With the permission of the Longview Parks Department, the group worked tirelessly to provide winter vegetation for the bluebird trail, teach urban children about nature, and improve the quality of life in Longview; and

WHEREAS, Inspired by the girls' example, civic groups, individuals, families, businesses, and other organizations in Longview responded by providing over \$17,000 worth of trees for the sanctuary; soon, over 700 youngsters from Camp Fire, Girl Scouts, and Boy Scouts organizations and from area schools had planted 94 trees for the sanctuary; and

WHEREAS, As the project grew and evolved into an urban forestry project, it gained greater, widespread attention; in 1989, the Bubbly Bluebirds' project received statewide recognition when it won a Texas Urban Forestry Award from the Texas Forest Service; and

WHEREAS, This award will be presented to the Bubbly Bluebirds at the Third Annual Texas Urban Forestry Conference and Awards Celebration in Austin on April 28; and

WHEREAS, The people of Texas will continue to enjoy for years to come the benefits from this and other Bubbly Bluebirds' projects as a result of the awareness and appreciation of nature instilled in these youngsters by their leaders, Maggie Rogers and Janine Briley; now, therefore, be it

RESOLVED, That the Senate of the 71st Legislature of the State of Texas hereby commend the Bubbly Bluebirds of Longview for their active concern for Texas wildlife and extend congratulations to the group on receiving the 1989 Texas Urban Forestry Award; and, be it further

RESOLVED, That official copies of this resolution be prepared for the Bubbly Bluebirds, their leader Maggie Rogers, and project coordinator Janine Briley as tokens of appreciation and high regard from the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Ratliff introduced the Bubbly Bluebirds and their leaders.

The Senate welcomed these young ladies.

COMMITTEE SUBSTITUTE SENATE BILL 572 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 572, Relating to the appointment of an attorney ad litem.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 572 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 572** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

SENATE BILL 1043 ON SECOND READING

On motion of Senator Haley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1043, Relating to the financing of asbestos cleanup programs of school districts and setting maximum maturity dates for notes issued for such programs.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1043 ON THIRD READING

Senator Haley moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1043** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 2769, To Committee on Health and Human Services.

**COMMITTEE SUBSTITUTE
SENATE BILL 524 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 524, Relating to pilot programs for early childhood education.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 524 ON THIRD READING**

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 524** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1697 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1697, Relating to state mental health and substance abuse services and programs for children, families of children, and adults.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1697 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1697** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1698 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1698, Relating to the provision of services to runaways, truants, and other children at risk of suffering abuse or neglect, and to abused children and the children's families.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1698 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1698** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 73 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 73, Relating to appropriation of funds to the Texas Water Development Board to construct a new spillway for Sikes Lake at Midwestern State University.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 73 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 73** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 858 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 858, Relating to closure plans required for the issuance or renewal of certain by-product materials licenses by the Texas Radiation Control Agency.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 858 ON THIRD READING**

Senator Truan moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 858** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 862 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 862, Relating to certain plans required for the issuance or renewal of a by-product materials license.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 862 ON THIRD READING**

Senator Truan moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 862** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 147 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 147, Relating to the regulation of automobile salvage dealers; providing a criminal penalty.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 147 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 147** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1621 ON SECOND READING**

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1621, Relating to voluntary settlement weeks in district, constitutional and statutory county courts, and family law courts.

The bill was read second time.

Senator Edwards offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1621** as follows:

In Sec. 155.002, strike "country" and insert "county"

The amendment was read and was adopted viva voce vote.

Senator Edwards offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 1621 as follows:

On Page 1, Line 27 of the Committee Printing, insert the following after “year” and before the period: or during such other two weeks as the Administrative Judge of each Judicial District may designate

EDWARDS
KRIER

The amendment was read and was adopted viva voce vote.

On motion of Senator Edwards and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1621 ON THIRD READING**

Senator Edwards moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 1621 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

SENATE JOINT RESOLUTION 55 ON SECOND READING

On motion of Senator Parmer and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 55, Proposing a constitutional amendment relating to the authority of the legislature to enact laws making the videotaped testimony of a child admissible in child abuse cases and to the accused's right of confrontation when the offense alleged is child abuse.

The resolution was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Glasgow asked to be recorded as voting “Nay” on the passage of the resolution to engrossment.

SENATE JOINT RESOLUTION 55 ON THIRD READING

Senator Parmer moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.J.R. 55 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Glasgow.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The resolution was read third time and was passed by the following vote: Yeas 25, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Green, Haley, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Zaffirini.

Nays: Glasgow, Parker.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

SENATE BILL 1684 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1684, Relating to tampering with a governmental record.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1684 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1684** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 1685 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1685, Relating to the misapplication of property by persons engaged in the business of insurance and the venue for criminal prosecution of persons engaged in the business of insurance; providing criminal penalties.

The bill was read second time and was passed to engrossment viva voce vote.

(Senator Parker in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 1685 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1685** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Harris, Santiesteban, Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

SENATE RULE 11.11 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Health and Human Services might consider **H.B. 2769** today upon recess.

SENATE BILL 1651 REREFERRED

On motion of Senator Barrientos and by unanimous consent, **S.B. 1651** was withdrawn from the Committee on State Affairs and rereferred to the Committee on Health and Human Services.

MOTION TO RECESS AND ADJOURN

On motion of Senator Brooks, the Senate agreed to recess until 12:00 noon today and upon completion of business, adjourn until 11:00 a.m. Monday, May 1, 1989.

RECESS

On motion of Senator Brooks, the Senate at 11:58 a.m. took recess until 12:00 p.m. today.

AFTER RECESS

The Senate met at 12:00 noon and was called to order by Senator Brooks.

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Brooks submitted the following report for the Committee on Health and Human Services:

H.B. 2769**CONGRATULATORY RESOLUTIONS**

S.R. 537 - By Green: Extending congratulations to Kelly Judith Penewitt for graduating from Texas A&M University.

S.R. 538 - By Barrientos: Recognizing the interns and volunteers from Southwestern University, St. Edward's University, The University of Texas, and Bowie High School, who served in the office of Senator Barrientos during the 71st Legislative Session.

S.R. 539 - By Caperton: Extending congratulations to Mr. and Mrs. Erlee P. Mack of Clay on their 50th wedding anniversary.

S.R. 540 - By Parker: Commending the American Federation of Labor-Congress of Industrial Organizations for its efforts to improve working conditions for all Americans.

ADJOURNMENT

Senator Brooks announced the Senate at 12:02 p.m. would stand adjourned until 11:00 a.m. Monday, May 1, 1989, in accordance with a previously adopted motion.

APPENDIX

Signed by Governor
(April 27, 1989)

S.C.R. 103

S.C.R. 123